

# Notice of Allowability

Application No.

10/034,106

Examiner

Jerry A Lorengo

Applicant(s)

MCCOY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments and arguments filed May 24, 2004 and the examiner's amendment.
2. ☒ The allowed claim(s) is/are 1 and 3-11.
3. ☒ The drawings filed on 27 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

(1)

### ***Election/Restrictions***

Applicant's election with traverse of Group I, Species 1A, encompassing claims 1-11 in the paper filed May 24, 2004 is acknowledged. The traversal is on the ground(s) that "... a search of both the method and apparatus groups would not be unduly burdensome upon the Examiner as any search for one of the two ... will necessarily entail a search for the other ...". This is not found persuasive because of the reasons set forth in the original restriction requirement, i.e., the apparatus as claimed can be used to practice another and materially different process whereby first and second coating and a drying means are utilized to dispose a first and second coating upon a fabric web (for example) to form a resin impregnated fabric which has waterproof qualities. Furthermore, the elected species (claims 1-11, now claims 1 and 3-11), as currently amended, remains patentably distinct from the other two given the specific coating arrangement set forth in claim 1, as amended.

The requirement is still deemed proper and is therefore made FINAL.

(2)

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Susan Jackson on July 23, 2004.

The application has been amended as follows:

Non-elected claims 12-24 have been cancelled.

(3)

### ***Allowable Subject Matter***

Claims 1 and 3-11 have been found to be allowable over the prior art of record.

(4)

The following is an examiner's statement of reasons for allowance:

Methods for the formation of decorative sheet materials through the disposition of multiple, overlaying coatings, such as those disclosed by U.S. Patent Nos. 6,096,396 to Patton et al.; 5,985,079 to Ellison; and 4,818,589 to Johnson et al., are known in the art. Ellison et al., for example, one such method comprising the steps of: Directing a flexible carrier material through a coating station; depositing onto the flexible carrier material a first solvent-based transparent coating film; depositing onto the first transparent coating film, a solvent-based pigmented polymer layer; directing the flexible carrier material with coated layers and through a drying station; depositing an adhesive layer onto the pigmented polymer layer; and laminating a thermoformable backing layer to the adhesively coated pigmented polymer layer.

Furthermore, DE 3235151 A1 to Scansani, also drawn to methods for the formation of multiple coated films on a carrier web, disclose that the arrangement of a plurality of slot die coaters around a coating roll upon which the carrier is disposed allows for the deposition of sequential coating layers on a backing web in a single operation and thus saves costs. None of the prior art of record, however, specifically teach or suggest the method of applicant claim 1 wherein the clear coat and pigmented color coat are disposed on a carrier during a first pass through a coating station followed by the further deposition of a primer coat and adhesive coat thereon during a second pass through the same coating station.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(5)

***Response to Amendments and Arguments***

The amendments and arguments filed May 24, 2004 are acknowledged. In response to the amendments to applicant claims 1 and 7 and the cancellation of claim 2 (whose allowable subject matter was incorporated into applicant claim 1), claims 1 and 3-11 have been passed to issue as set forth and explained in sections (3) and (4), above. In specific response to the amendment to applicant claim 7, the rejection of that claim under the 1<sup>st</sup> paragraph of 35 U.S.C. § 112 has been

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withdrawn. Finally, as set forth in sections (1) and (2), above, the restriction of claims 12-24 from original claims 1-11 has been made final with claims 12-24 being cancelled upon the applicant's authorization via an examiner's amendment.

(6)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J.A. Lorengo, Primary Examiner

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July 23, 2004